

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KONICA MINOLTA BUSINESS
SOLUTIONS, U.S.A., INC.,

Plaintiff,

v.

Case No. 15-11254
Honorable Victoria A. Roberts
Magistrate Judge Elizabeth A. Stafford

LOWERY CORPORATION d/b/a APPLIED
IMAGING SYSTEMS, INC., et al.,

Defendants.

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ORDER OVERRULING OBJECTION [ECF No. 394] WITHOUT PREJUDICE

On June 21, 2019, Magistrate Judge Elizabeth A. Stafford entered an order granting in part and denying in part Plaintiff's motion to compel. In relevant part, Judge Stafford held that no more requests for production of documents or interrogatories will be permitted except for discrete requests as follow-ups to depositions.

On July 5, 2019, the Individual Defendants filed an objection to that provision of the order; they say the limit on discovery should not apply to them, but only Applied Imaging, and they should be allowed to continue to submit requests for production and interrogatories to Plaintiff as they deem necessary.

In their objection, the Individual Defendants "submit that Judge Stafford likely did not intend for the Order to apply to them, but that [it] is unclear as written."

Based on this statement, the Court finds that the appropriate action would be for the Individual Defendants to file a motion for clarification from Magistrate Judge Stafford. If Individual Defendants disagree with the clarification, they may renew their objection.

If the Individual Defendants file renewed objections, they must set forth with particularity all written discovery they believe is outstanding and/or that they wish to request from Plaintiff. The deadline for fact discovery has passed. Discovery has been extended many times. Although Magistrate Judge Stafford is allowing depositions to proceed beyond the deadline and discrete post-deposition written discovery, this does not justify a broad license to continue fact discovery indefinitely. It is time for this case to proceed to the next stages, and Magistrate Judge Stafford's limit on continued fact discovery appears reasonable. The Individual Defendants must make a substantial showing for this Court to find otherwise.

The Individual Defendants' objection is **OVERRULED WITHOUT PREJUDICE**.

IT IS ORDERED.

S/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 16, 2019